

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

[ FILED ELECTRONICALLY ]

EDDIE F. MARSHALL, ET.AL.,

CASE NO. C-1-02-189

Plaintiffs,

JUDGE HERMAN WEBER

Vs.

MAGISTRATE JUDGE HOGAN

OHIO DEPARTMENT OF EDUCATION, ET.AL.,

Defendants.

**MEMORANDUM OF PLAINTIFFS IN OPPOSITION TO MOTION FOR  
SANCTIONS OF DEFENDANTS**

Counsel for the parties have discussed and by agreement extended discovery deadlines, including the taking of depositions of the parties. The parties reserved four days in February, being February 21, 22, 23, and 24, when to take depositions.

Counsel for plaintiff will admit and thanks counsel for defendant for their cooperation. Due to a variety of reasons which counsel submits to the Court constitutes good cause, including a two and a half week illness of counsel, the moving of his law offices, and three back to back trials, counsel for plaintiff, who is a sole practitioner was unable to complete the discovery responses until this past weekend as filed with the court on this date. The documents which defendants were seeking were delivered to counsel for defendants in August of 2005 and the bulk of them was already in the possession of defendants.

Plaintiffs, Vena Marshall and Kathryn Marshall, who just recently turned adults, respectfully submit to the Court, that the circumstances do not warrant the extreme sanction of dismissal of their Complaint.

Respectfully submitted,

*/s/ Joseph Bancsi*

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CERTIFICATE OF SERVICE

I certify that on the 14th day of February, 2006, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing system.

*/s/ Joseph Bancsi*

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Joseph Bancsi  
Attorney For Plaintiffs